

**REMARKS**

The Office Action dated December 28, 2004 has been reviewed carefully and the application has been amended in a sincere effort to place the claims in condition for allowance.

**Objection to the Specification**

The Specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. The Examiner indicates that claim 2 teaches a temperature transferring material configured in the pouch. The paragraph beginning at line 3 of page 5 has been re-edited in order to clarify that the hand puppet may be made of plush toy or soft cotton material which themselves can allow the transfer of the hot or cold through the material. But, alternatively, a portion of the hand puppet can be comprised of a second material that is a temperature transfer material to aide in the transfer of hot or cold therapy and this is more clearly stated in the revised paragraph. No new matter has been entered because this alternative was referenced in the original paragraph, and was clearly stated in original claim 2, which is also part of the original disclosure which can be relied upon. Thus, the Examiner's objection in this regard has been addressed.

The generic terminology has been inserted to accompany the use of the trademark's "Blue Ice" and "Velcro" as indicated by the Examiner.

Thus, the objections to the Specification made by the Examiner have been addressed herein.

**Claim Rejections – 35 U.S.C. § 112**

Claim 2 was rejected under 35 U.S.C. § 112 as failing to comply with the enablement requirement. In view of the amendments to the Specification made herein and discussed above, it is respectfully submitted that the subject matter regarding the temperature transferring material as required in claim 2 has been clarified.

**Claim Rejections – 35 U.S.C. § 102**

Claims 1 through 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,694,829 to Frye ("Frye").

Briefly, as illustrated in the drawings, Applicant's invention comprises a hand puppet that can be worn on an adult's hand such that the adult's fingers and thumb are inserted within sections provided in the puppet. This allows the puppet to be manipulated by the adult so that the adult. A hot or cold pack is placed within a pouch located in the puppet. Thus, the adult can grasp the child's injured area with the hot or cold pack inserted in the pouch of the puppet. This allows for greater securement of the puppet around the injury. The hand puppet can also be manipulated by the adult to provide amusement for the child.

Frye, on the other hand, discloses a therapeutic stuffed toy. The Frye toy comprises an outer stuffed fabric member such as a teddy bear, with an interior pocket, which contains a hermetically sealed container of a non-toxic liquid which freezing point is below that of water and its boiling point is above that of water. The toy can be used as a hot or cold compress. There is nothing in the Frye patent which indicates that the therapeutic

toy is constructed as a hand puppet. In face, the Frye patent does not utilize the word “puppet.”

The pocket 18 of the Frye plush toy comprises a generally hemispherically shaped piece of fabric folded in two to form a pocket panel which holds the material which generates the hot or cold therapy. There is no suggestion that a person’s hand could be inserted into the pocket. Indeed, even if a person were to attempt to place his or her hand in the pocket of the Frye toy, there is still no suggestion in Frye that a person’s hand could be fully inserted therein allowing the injured area to be grasped by the puppet wearer in order to administer hot or cold therapy. In addition, the simple pocket in Frye would not allow the kind of animated manipulation that can be achieved using Applicant’s hand puppet. The Frye toy simply cannot be “worn” on the hand, nor could it be manipulated to animate the puppet, nor to grasp or hold the injured area on the child. Accordingly, Frye does not disclose, teach or suggest a hand puppet as claimed by Applicant.

In order to enhance the claims to better claim the invention, and to distinguish Applicant’s invention over the cited art, claim 1 has been amended herein. It is respectfully submitted that the amended claim and the claims dependent therefrom are not anticipated by Frye.

**Claim Rejections – 35 U.S.C. § 103**

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Frye as applied to claims 1 through 6 above and further in view of United States Patent No. 5,507,793 (“Hodges”).

Claim 8 depends from claim 1. As noted herein before, Frye does not disclose the elements of the claim 1, because Frye does not disclose a hand puppet as claimed in the amended claim.

Hodges describes a non-constricting neck wrap, not a hand puppet. The Hodges neck wrap is not suitable for being worn on the hand of an individual. Instead it is intended to be wrapped around an individual’s neck as illustrated in Fig. 4.

Furthermore, even if Hodges and Frye are combined, they still do not give rise to Applicant’s invention because neither patent discloses, teaches or suggests Applicant’s hand puppet, as claimed. Therefore, it is respectfully submitted that claim 8 is not obvious in view of the cited art and is now in condition for allowance.

Claims 1 through 4 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,584,086 to Van Winkle et al. (“Van Winkle”).

Van Winkle describes a bio-magnetic therapeutic pillow. The pillow includes a bag like covering containing a filling which is a mixture of natural granular material and a magnetic material. The bag like covering also has “ears” for grasping the therapeutic pillow. The Van Winkle therapeutic pillow can be used as a compress for heating or cooling a variety of body parts. The embodiment of Fig. 2 is a conventional pillow

shape. Fig. 1 of Van Winkle illustrates an alternative embodiment in which the pillow has a tubular shape so that it can be tied around a body part such as an arm or a leg. There is nothing in the Van Winkle patent which suggests a hand puppet which can be worn on the hand of a person applying therapy to a child to grasp the child's injured area or to rest the puppet on the child's forehead, for example.

Thus, claims 1 through 4 and 7 as amended herein are not obvious in view of Van Winkle. Similarly, claim 8 was rejected over Van Winkle in view of Hodges. Once again, Van Winkle discloses a therapeutic pillow and Hodges discloses a neck wrap. Even combining Van Winkle with Hodges still does not give rise to Applicant's claims, particularly in view of the amendments made herein.

#### **Summary**

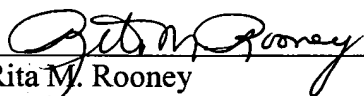
All of the objections and rejections have been addressed herein and in view of the amendments and arguments set forth herein, Applicant respectfully submits that the application is now in condition for allowance.

Please do not hesitate to contact the undersigned in order to advance the prosecution of this application in any respect.

Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

  
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